

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

MARCY SCHMITZ,

Defendant.

8:12CR60

ORDER

Defendant Marcy Schmitz appeared before the court on November 2, 2017 on a Petition for Offender Under Supervision [104]. The defendant was represented by Assistant Federal Public Defender Julie B. Hansen, and the United States was represented by Assistant U.S. Attorney Gregory D. Artis, Jr. Through her counsel, the defendant waived her right to a probable cause hearing on the Petition for Offender Under Supervision [104] pursuant to Fed. R. Crim. P. 32.1(a)(1). The government moved for detention, and a detention hearing was held. Since it is the defendant's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that she is neither a flight risk nor a danger, the court finds the defendant has failed to carry her burden and that she should be detained pending a dispositional hearing before Chief Judge Smith Camp.

IT IS ORDERED:

1. A final dispositional hearing will be held before Chief Judge Smith Camp in Courtroom No. 2, Third Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska, on December 7, 2017 at 11:30 a.m. Defendant must be present in person.
2. The defendant, Marcy Schmitz, is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;
3. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and
4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

5. A hearing to review the matter of detention is set for November 7, 2017 at 8:30 a.m. before the undersigned Magistrate Judge in Courtroom No. 7, Second Floor, Roman L. Hruska Federal Courthouse, 111 South 18th Plaza, Omaha, Nebraska. Defendant must be present in person.

Dated this 2nd day of November, 2017.

BY THE COURT:

s/ Susan M. Bazis
United States Magistrate Judge